

The present invention discloses a method and apparatus for collecting vehicular road use fees. These road use fees may be ordinary travel tolls, parking fees, or fines associated with unauthorized road usage. It is therefore contemplated that collecting fees associated with bridge usage, parking meters, and the like will be achieved.

To accomplish fee collection, vehicle code readers are employed to identify a vehicle by reading a vehicle identifier attached to the vehicle. These vehicle identifiers contain readable bar codes that contain information about the vehicle, such as the vehicle's unique VIN number.

Once information about the vehicle is read by the vehicle code reader, the information is communicated to a central agency to charge a fee to a personal account of the owner of the vehicle identifier. Naturally, the fee assessed will correspond to the amount of fee collection desired by the operator of the vehicle code reader. Such an operator may be a member of the police, bridge and tunnel collection authority, or meter collection agency.

The present invention overcomes problems associated with conventional methods of toll and revenue collection by the utilization of mobile vehicle code readers, referred to as mobile

scanning devices. In contrast with the method used in the popular E-Z Pass system, the present invention does not require a vehicle code reader that is in a fixed location. In other words, the mobile scanning devices of the present invention allow for fee collection to be accomplished throughout a city, not just as designated sites within the city.

Turning now to the outstanding Office Action, claims 1-3 had been rejected under 35 USC 103(a) as being unpatentable over Urbish et al (US 5,734,343), claims 4-5, 8, and 10 had been rejected under 35 USC 103(a) as being unpatentable over Urbish in view of Slavin et al (US 5,819,234), while claims 6-7 and 9 had been rejected under 35 USC 103(a) as being unpatentable over Urbish/Slavin in view of Leitner et al (US 5,587,575). For purposes of clarity, applicant has herein cancelled claims 1-10 and added new claims 11-24. Applicant submits that no new subject matter is contained in these claims, and that these new claims are supported by the specification.

The Examiner states that Urbish teaches that a detector can read a label placed on a vehicle in order to assess tolls on the vehicle as it passes a certain location (col. 4, lines 10-29). The Examiner recognizes the fact that Urbish lacks the teaching of movable readers.

The Examiner finds support for the concept of movable readers in the Leitner patent, stating that Leitner teaches the use of portable readers by police or traffic officials to scan a code that has been attached to a vehicle (col. 3, lines 18-20 and lines 60-62). The Examiner further states that it would be obvious to one of ordinary skill in the art to modify the teachings of Urbish to incorporate the movable reader of Leitner. Applicant respectfully disagrees.

While it is true that Urbish and Leitner are both concerned with a method for identifying vehicles, Urbish identifies vehicles to collect tolls, while Leitner identifies vehicles to assess ownership and determine if an authorized user is operating the vehicle. Leitner does not mention collecting tolls.

According to the Background of the Leitner patent, a method and system for identifying a vehicle is disclosed. A vehicle's code is read to determine whether or not the code applies to that vehicle (Abstract).

Further, column 4, line 62 to column 5, line 17 demonstrates that Leitner is concerned with identification of vehicles, not fee collection. When a vehicle is stopped, the code of the vehicle is scanned and the code is displayed on the display. The person using

the unit can then ask the driver of the vehicle for the associated PIN. Should the driver of the vehicle be unable to provide the PIN or if the driver provides a PIN that does not correspond with that revealed by the decryption of the code, it would provide an indication that the vehicle has been stolen allowing for a more thorough investigation of the matter. The driver can alternatively be asked for the vehicle owner's name as an additional "test" that can be performed to identify authorized use of the vehicle (col. 5, lines 18-35).

Applicant therefore respectfully submits that Urbish and Leitner do not deal with analogous subject matter. Since Urbish is concerned with the identification of vehicles for the purpose of toll collection, and Leitner is concerned with the identification of vehicles for the purpose of ownership assessment, a rejection based on the combination of these two references is improper.

Applicant wishes to point out to the Examiner that column 3, lines 27-41 of Leitner states that traffic control personnel could be issued with the code reading means in order to ticket illegally parked or unroadworthy vehicles. This ticket would be automatically printed out and placed on the vehicle to reduce errors associated with manual transcription. However, the present invention differs since the vehicle information is processed in a

central agency, as opposed to on-site as in Leitner. Thus, Leitner is actually teaching away from the present invention since no toll is collected when the bar code is read but rather a ticket is printed out.

The Examiner states that Slavin teaches the use of an account established at a central agency corresponding to a transponder and tag number. Slavin does not, however, make any mention of mobile scanning devices or any other means of mobile scanning within the scope contemplated in the present invention, and Slavin thus has not been cited for such a purpose. Slavin is instead concerned with a prepaid toll credit kit that can be converted into a regular toll account with the advantages of automatic replenishment (Abstract).

Independent claims 11 and 18 recite the presence of a central agency as well as the utilization of a mobile scanning device to read the vehicle identifier. The remaining claims are all ultimately depend upon these two claims.

In conclusion, none of the cited references teach the present invention when taken either singly or in combination. For the reasons mentioned above, Urbish and Slavin lack the teaching or suggestion of the utilization of a mobile scanning device to

collect vehicle road use fees. Although Leitner discloses the use of such a device, Leitner is concerned with vehicle identification, not vehicle road use collection. As pointed out above, the only language in Leitner revealing monetary collection refers to ticket issuance on-site, not through the use of a central agency.

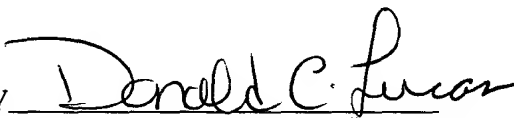
Finally, another copy of the below signed power of attorney is attached hereto. A copy had been filed in this case, by fax, on August 29, 2002. Please insure that the correspondence address has been changed.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization given to debit account #02-2275.

Respectfully submitted,

BIERMAN, MUSERLIAN AND LUCAS

DCL:pd
Tel. 212-661-8000
Fax. 212-661-8002

By 
Donald C. Lucas - #31,275
Attorney for Applicant